

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Crim. No. 12-0045 (SRN/JJG)

Plaintiff,

v.

O R D E R

Mark Edward Wetsch,

Defendant.

JEANNE J. GRAHAM, United States Magistrate Judge

This matter is before the Court on various letters and motions filed by pro se Defendant Mark Edward Wetsch and Office of the Federal Defender's Motion to Withdraw as Attorney and for Appointment of Substitute Standby Counsel (ECF No. 93). Defendant seeks paper, stamps, and envelopes to communicate with the Government and the Court. Defendant asserts he is given only two pieces of paper per week. Defendant has filed over 75 pages of letters, "ex parte applications," and motions since August 28, 2012. Defendant has not demonstrated a need for additional supplies. *See Horvath v. Hall*, No. 4:07CV00113 GTE/JTR, 2007 WL 899966, at *1 (D. Ark. Mar. 22, 2007) (considering the volume of submissions when evaluating a pro se detainee's request for supplies). Each of the submissions has been in an envelope, and the correct postage has been paid. Under these circumstances, Defendant should seek supplies from standby counsel.

Further, it is incumbent upon the Court to set a schedule that allows both Defendant and the Government an opportunity to make and respond to motions but also achieves the goals of efficiency and fairness. Accordingly, Defendant will have until **October 16, 2012** to file non-

duplicative pretrial motions in this matter. The Government's responses to each of Defendant's motions, "ex parte" applications, and letters seeking relief are due on **October 23, 2012**. Defendant may have until **October 19, 2012** to file his final brief supporting his motions to suppress evidence. The Court will hold a hearing on any unresolved motions filed since the Court's last pretrial motions hearing on **October 25, 2012, at 1:30 p.m.** at the **Warren Burger Federal Courthouse, Courtroom 3B, 316 N. Robert Street, St. Paul, Minnesota**. The Government shall respond to the prior suppression motions no later than **October 26, 2012**, at which time the Court shall take those motions under advisement.

Reynaldo A. Aligada Jr., Assistant Federal Defender, seeks to terminate representation of Defendant based on Defendant's allegations of improper conduct by Caroline Durham, Assistant Federal Defender, giving rise to a conflict of interest. Given the nature of the allegations against Ms. Durham, the Court finds that the Federal Defender's Office has an irreconcilable conflict that justifies substitution of standby counsel. Accordingly, the Federal Defender shall appoint standby counsel from the Criminal Justice Act Panel.

Pursuant to 18 U.S.C. § 3161(h)(1)(D) and § 3161(h)(1)(H), the speedy trial clock is tolled until the resolution of Defendant's motions. The hearing on Defendant's existing motions to suppress evidence remains open until the Court receives the Government's memorandum. The Court will take any newly filed motions under advisement at the conclusion of the October 25, 2012 hearing.

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

- (1) The briefing schedule shall be modified as set forth herein;

- (2) The Federal Defender's Office's Motion to Withdraw (ECF No. 93) is **GRANTED**;
- (3) The Federal Defender shall appoint standby counsel from the Criminal Justice Act Panel; and
- (4) Because the first pretrial motions hearing remains open to receive the written closing documents of the parties and because Defendant has filed new pretrial motions, the Speedy Trial Act clock is tolled pursuant to 18 U.S.C. § 3161 (h)(1)(D) and § 3161(h)(1)(H).

Dated: October 3, 2012

s/ Jeanne J. Graham
JEANNE J. GRAHAM
United States Magistrate Judge